

Appl. No. 10/656,991
Amendment Dated November 4, 2004
Reply to Office action of September 8, 2004

REMARKS

The Applicant has reviewed the final Office action dated September 8, 2004 and thanks Examiner Pickard for her detailed review of the pending claims. In response to the final Office action, the Applicant has amended claims 1 and 11. Further, claims 9, 19, 21 and 23-29 have been canceled while claims 30 and 31 have been added. In the course of adding or amending the claims no new matter has been added. Accordingly, claims 1, 4-8, 10-11, 14-18 and 20 are pending in the application. The Applicant respectfully requests reconsideration of the claims in view of the above amendments and the following remarks.

Claim Rejection Under 35 U.S.C. §102

The Office action rejects claims 1-3, 5-13 and 15-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,386,551 to Martin. Of the rejected claims, claims 1, 5-8, 10-11, 15-18 and 20 remain pending in the present application. In view of the amendments to independent claims 1 and 11, the Applicants respectfully traverse the rejection.

Claims 1 and 11 have been amended to define the novel features that the inner layer of the boot seal wall includes an end region and the outer layer is circumjacent to the inner layer such that the inner layer is unexposed to ozone of an external environment. While the Martin patent teaches a boot seal having two layers, the Martin patent fails to teach a boot seal wall having the end region of the inner layer unexposed to ozone of the external environment. In contrast, the Martin patent teaches a boot seal having a first ply and a second ply such that the described laminate construction extends the full length of the boot seal. (See Column 3, lines 9-17 and Figure 3.) Hence, the first and second plies of the boot seal are exposed to the external environment and ozone as best seen in Figure 3. Nowhere does the Martin patent discuss the outer layer circumjacent to the inner layer such that the inner layer is unexposed to the external environment. Instead, the inner layer is directly exposed to ozone of the external environment.

The Martin patent fails to teach each limitation of the independent claims, as amended. Further, claims 5-8, 10, 15-18 and 20 are dependent claims adding additional features to the independent claims. Accordingly, for at least these reason the claims are allowable and the

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Applicant respectfully requests removal of the rejection with respect to pending claims 1, 5-8, 10-11, 15-18 and 20.

Claim Rejection Under 35 U.S.C. §103

The Office action rejects claims 4 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,386,551 to Martin. The Office action argues that the inner and outer layers made from HNBR and EPDM rubber is considered a matter of design choice and not inventive. In response, the Applicants respectfully traverse the rejection.

Again, claims 4 and 14 are dependent claims adding additional features to the patentable subject matter of independent claims 1 and 11. For at least this reason the claims are patentable and the Applicant requests removal of the rejection.

New Claims

Claims 30 and 31 have been added to the present application to further define patentable features of the claimed invention. In the course of adding the claims no new matter has been added to the present application.

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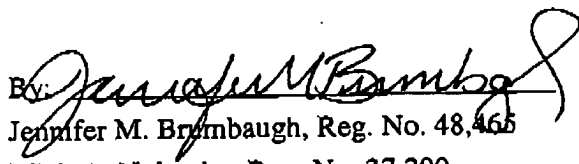
Conclusion

It is respectfully submitted that the present application is in condition for allowance. The Applicants request that the Examiner pass the case to issue.

Respectfully submitted,

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